


Benton Gene Baskin, I/M #52888
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Plaintiff-Pro se

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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY 	DEPUTY

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Benton Gene Baskin,
Plaintiff,

-vs-

Todd Thomas, et al.,
Defendant.

NO: CV-21-1890-PHX-SPL (JFM)

**PLAINTIFF BASKIN'S
MOTION FOR EXTENSION OF
TIME TO FILE MOTION TO
DISMISS DEFENDANT
WESTBROOK'S MOTION TO
DISMISS**

Plaintiff Baskin appears pro se, moves for an (30) day extension of time to respond to Defendant's motion to dismiss Plaintiff's complaint filed on January 3, 2023. (Doc. 20).

Pursuant to Federal Rule of Civil Procedure ("FRPC") 6 (b)(1)(B), Plaintiff respectfully requests that the Court extend, to and until March 6, 2023, the time within which Plaintiff must respond to the Defendant's pending motion to dismiss. Plaintiff's response was due on February 6, 2023. This is Plaintiff's {First} request for an extension of time for the purpose set forth herein.

In support of this Motion, Plaintiff relies upon the memorandum of points and authorities set forth below.

I. MEMORANDUM OF POINTS AND AUTHORITIES

Federal Rule of Civil Procedure 6 (b)(1)(B) permits a party to extend a deadline after its expiration upon showing of "excusable neglect". The standard to be applied by a Court under FRPC 6 (b)(1)(B) is a liberal one in order to "effectuate the general purpose of seeing that cases are tried on the merits." Ahanehian v. Xenon Pictures, Inc., 624 F.3d 1253, 1258-59 (9th Cir. 2010). "Good cause is a non rigorous standard that has been construed broadly across procedural and statutory contexts." Id at 1259.

Plaintiff shows the Court that:

- 1.) There have been no previous extensions of time granted to the Plaintiff concerning a response to the Motion to Dismiss or to any matter or motion in this case.
- 2.) The basis for this request for extension is excusable neglect based on the Plaintiff's ability to access the H.C.F. law library due to scheduling. See, attached Exhibit A.
- 3.) Plaintiff bears the ultimate responsibility for adhering to all Court deadlines and has since received extended individual law library scheduling appointments, and therefore sincerely apologizes to the Court for any inconvenience occasioned by this request for extension of time.

Plaintiff has commenced drafting an appropriate response to Defendant's motion to dismiss and expects to have it filed no later than March 6, 2023. Accordingly

II. CONCLUSION

For these reasons Plaintiff Baskin respectfully moves this Court for the first (30) day extension of time to respond to Defendant Westbrook's motion to dismiss.

Dated this 30th day of January, 20 23.

BENTON GENE BASKIN

By Benton G. Baskin
Benton Gene Baskin, I/M #52888
Hutchinson Correctional Facility Central
P.O. Box 1568
Hutchinson, Kansas 67504

Plaintiff-Pro se

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January, 20 23, a true and correct copy of the above and foregoing Plaintiff Baskin's Motion For Extension of Time to File Motion to Dismiss Defendant Westbrook's Motion to Dismiss, was made by depositing the same in the United States Mail, postage prepaid addressed to the following:

Debra D. Lucas, Chief Executive
District Court Executive/Court Clerk
Sandra Day O'Connor U.S. Courthouse
Suite 130
401 West Washington Street SPC 1
Phoenix, Arizona 85003-2118

Struck Love Bojanowski & Acedo, PLC
Daniel P. Struck
Dana M. Keene
Courtney Lacaillade
3100 West Ray Road, Suite 300
Chandler, Arizona, 85220
Attorneys for Defendant

Benton G. Baskin
Benton Gene Baskin, I/M #52888
Plaintiff-Pro se

EXHIBIT A

Name/DOC# Baskin
 Living Assignment 52888 Diary

HCF CENTRAL LIBRARY
 INDEPENDENT APPOINTMENTS SCHEDULED

You are scheduled at the following times. Please keep this confirmation – it is your responsibility to know when your appointments are. If you miss two appointments, the remainder of your schedule will be cancelled.

Date	Time	Research	Language/Type Only
12-13	7:15	X	
12-15	7:15	X	
12-20	7:15	X	
12-22	7:15	X	

Date	Time	Research	Language/Type Only
12-27	7:15	X	
12-29	7:15	X	
1-3	7:15	X	
1-5	7:15	X	

Employee's signature and date upinca

Name/DOC# Baskin
 Living Assignment 52888 Diary

HCF CENTRAL LIBRARY
 INDEPENDENT APPOINTMENTS SCHEDULED

You are scheduled at the following times. Please keep this confirmation – it is your responsibility to know when your appointments are. If you miss two appointments, the remainder of your schedule will be cancelled.

Date	Time	Research	Language/Type Only
1-30	7:15	X	
2-4	8:00	X	
2-6	7:15	X	
2-11	8:00	X	

Date	Time	Research	Language/Type Only
2-13	7:15	X	
2-18	8:00	X	
2-20	7:15	X	
2-25	8:00	X	

Employee's signature and date upinca